

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CR NO. 2:05-cr-119-F</b>
	)	
<b>DON EUGENE SIEGELMAN, et al</b>	)	
	)	
<b>Defendant.</b>	)	

**MOTION OF GOVERNOR SIEGELMAN**  
**FOR ENHANCED JURY-SELECTION PROCEDURES**

Governor Don Siegelman hereby respectfully moves for enhanced jury selection procedures. Governor Siegelman requests (a) that the Court use expanded jury questionnaires sent by mail to panel members in advance of jury selection (a step that Governor Siegelman understands that the Court has indicated that it intends to take); (b) that panel members not be instructed, in the questionnaire or in voir dire, on such matters as the presumption of innocence, impartiality, basing their verdict on the evidence, and similar things (so that panel members will not thereby be induced to give the answers that they think that they are “supposed” to give); (c) that the Court allow counsel to conduct the voir dire, in part (so that counsel can elicit more information that will allow more informed challenges); (d) that the Court, when conducting voir dire, use open-ended questions (again in order to elicit more meaningful information from panel members); (e) that individual and sequestered voir dire be utilized for follow-up questions (in order to foster more comfort and candor on the part of panel members, thus yielding more

information; and (f) that the Court allow each defendant a reasonable number of additional peremptory challenges.

These measures are appropriate in order to improve the fairness of jury selection in this unusual case. This case is far out of the ordinary. It has received, and will receive, an extraordinary amount of pre-trial publicity which will affect how some potential jurors approach the case. Two of the defendants – Governor Siegelman and Richard Scrushy – are extremely well-known in the State of Alabama; many potential jurors will come to court with strong opinions about one or both of them. A large number of jury-eligible people have very negative opinions about Mr. Scrushy in light of the Healthsouth accounting fraud scandal; and a large number of jury-eligible people believe that his acquittal on earlier charges was inappropriate. While many people in the jury-eligible population hold Governor Siegelman in high regard, there are some who have negative opinions about him based on political differences, and some who believe that he should have been convicted on earlier charges as well. In addition, Governor Siegelman is currently running for Governor again, and this leads to even more media attention and public attention. (We submit that each of the factual statements above is so obvious that it is properly the subject of judicial notice; but if the Court has any doubt about the correctness of these statements, we will submit evidence to support them as needed.). Thus it is practically certain that some members of the jury pool will have opinions – whether they are consciously aware of them, or not – that would interfere with Governor Siegelman's ability to receive a fair trial. For this reason, jury selection procedures

should be more searching than in the ordinary case, and the procedures requested above are appropriate.

Respectfully submitted this the \_\_\_\_\_ day of February 2006.

Respectfully submitted,

/s/ G. Douglas Jones  
G. Douglas Jones

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**CERTIFICATE OF SERVICE**

I hereby certify that on the    day of February, 2006, I electronically filed the foregoing "Motion for Governor Siegelman for Enhanced Jury-Selection Procedures" with the Clerk of the Court using the CM/ECF system which will send notification of such to counsel of record .

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OF COUNSEL